

HOUSE BILL 3126
By Hagood

AN ACT to amend Tennessee Code Annotated, Section 49-1-207,
relative to alternative education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-1-207, is amended by deleting the
section in its entirety and substituting instead the following:

Section 49-1-207.

(a) The commissioner of education, subject to approval by the state
board of education, may authorize schools to operate as innovative educational
programs which emphasize school-based decision making and the creation of
small learning communities. Such schools may include, but not be limited to,
schools placed on notice or probation for failure to make adequate progress in
meeting the rules, regulations and performance standards of the state board.

(b) Upon authorization of the local board of education, a director of
schools or a principal may apply to the commissioner to operate an innovative
educational plan approved under this section. The commissioner shall have
discretion to approve the entire innovative educational plan or any part of it.

(c) The commissioner, on an annual basis and subject to approval by the
state board, may authorize no more innovative educational programs for the
purposes stated in this section, than the number of schools failing to make
adequate progress in meeting the rules, regulations, and performance standards
of the state board. However, in local education agencies with more than thirty
(30) schools failing to make adequate progress, the number of newly created
innovative school educational programs shall be limited to one-third ($\frac{1}{3}$) of the
number of schools failing to make adequate progress, but not more than ten (10)

schools in any LEA in the initial year of implementation. The conversion must occur at the beginning of an academic school year and shall be subject to compliance with this section.

(d) The commissioner shall have discretion to waive any rules and regulations, except regulations relative to the health and safety of students and staff and regulations required by federal law, to accommodate the implementation of an innovative educational program. In exercising such discretion, the commissioner shall consider whether the proposed waiver will improve the educational opportunities and performance of the subject students by the application of non-conventional curriculum and operational methods developed through local initiative and decision making, to meet the rules, regulations and performance standards of the state board.

(e) The commissioner shall have the discretion to waive regulations relative to reporting requirements and premium pay for educators, without giving rise to any contractual right to such pay.

(f) No local program approved by the commissioner of education shall reduce the level of state funding to an LEA under this title.

(g) At any time before the end of an approved innovative educational program, the school principal or the director of schools may recommend to the local board that the innovative educational program be terminated and that the school should return to operation under all applicable rules and regulations. The principal or the director of schools shall provide thirty (30) days' notice to the commissioner of such intent to withdraw from the innovative educational program.

(h) A local school board shall comply with provisions of Tennessee Code Annotated, Title 8, Chapter 44, when it considers any innovative educational plan under this section.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring

it.

